

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DISCOVER GROWTH FUND, LLC,

Plaintiff,

vs.

ANTHONY FIORINO, M.D.; DANIEL
KAZADO; DANIEL TEPER, M.D.; JEFFREY
PALEY, M.D.; JOHN NECZESNY; THE
ESTATE OF GARY H. RABIN; and JOHN
DOE 1-10 and JANE DOE 1-10,

Defendants.

Civil Action No. 2:20-cv-00351 (CCC) (MF)

**NOTICE OF DEFENDANTS' MOTION TO
DISMISS PLAINTIFF'S CORRECTED
AMENDED COMPLAINT**

Return Date: May 4, 2020

PLEASE TAKE NOTICE that on May 4, 2020, or as soon as counsel may be heard, the undersigned attorneys for defendants Anthony Fiorino, M.D. ("Fiorino"), Daniel Teper, M.D. ("Teper"), Jeffrey Paley, M.D. ("Paley"), John Neczesny ("Neczesny") and Daniel Kazado ("Kazado") (Fiorino, Teper, Paley, Neczesny, and Kazado together, the "Defendants") shall move before the Honorable Claire C. Cecchi, United States District Judge, United States District Court, District of New Jersey, for entry of an order dismissing Plaintiff's Corrected Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) (the "Motion").

PLEASE TAKE FURTHER NOTICE that in support of this Motion, Defendants will rely upon the Brief in Support of their Motion and the Declaration of John E. Jureller, Jr., along with exhibits annexed thereto, submitted herewith.

PLEASE TAKE FURTHER NOTICE that a proposed form of order is submitted herewith.

Dated: New York, New York
April 8, 2020

KLESTADT WINTERS JURELLER
SOUTHARD & STEVENS, LLP

By: /s/ John E. Jureller, Jr.

John E. Jureller, Jr.

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